

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1-22 Cancelled

Claim ¹~~23~~. (Currently Amended) A process for mediating cytotoxicity of a human tumor cell which expresses ~~CD44~~ ^{CD44} ~~antigenic moiety~~ on the cell surface, ^{which} ~~which antigenic moiety is~~ characterized as being bound recognized by the isolated monoclonal antibody produced by the hybridoma deposited with the ATCC as PTA-4621 or an antigen binding ~~fragments thereof~~ fragment produced from said isolated monoclonal antibody comprising:

contacting said human tumor cell with said isolated monoclonal antibody or said antigen binding fragment ~~[[thereof]]~~, ~~which enables binding~~ whereby cytotoxicity occurs as a result of binding of said isolated monoclonal antibody or said antigen binding ~~fragments thereof~~ fragment with said ~~expressed CD44~~ ^{CD44} ~~antigenic moiety~~ ;
~~whereby cell cytotoxicity occurs as a result of said~~
binding.

Claim ²~~24~~. (Currently Amended) The process of claim ¹~~23~~
wherein [[said]] the human tumor cell is contacted with a
isolated monoclonal antibody or antigen binding fragments thereof
are humanized antibody of the isolated monoclonal antibody
produced by the hybridoma deposited with the ATCC under Accession
Number PTA-4621 or an antigen binding fragment produced from said
humanized antibody.

Claim ³~~25~~. (Currently Amended) The process of claim ¹~~23~~
wherein said isolated monoclonal antibody or said antigen binding
fragments thereof fragment are conjugated with a member selected
from the group consisting of cytotoxic moieties, enzymes,
radioactive compounds, and hematogenous cells.

Claim ⁴~~26~~. (Currently Amended) The process of claim ¹~~23~~
wherein the human tumor cell is contacted with a [[said]]
isolated monoclonal or antigen binding fragments thereof are
chimeric chimerized antibody of the isolated monoclonal antibody
produced by the hybridoma deposited with the ATCC under Accession

Number PTA-4621 or an antigen binding fragment produced from said chimeric antibody.

Claim 27. Cancelled

Claim ⁵28. (Previously Presented) The process of claim ¹23 wherein the human tumor cell is ~~obtained from a tumor originating in a tissue~~ selected from the group consisting of colon, ovarian, lung, and breast ~~tissue~~.

Claim ⁶29. (Withdrawn and Currently Amended) A binding assay to determine [[a]] the presence of cells which express ^{CD44}~~CD44~~ which is specifically recognized by ~~antigenic moiety which specifically binds to~~ the isolated monoclonal antibody produced by the hybridoma deposited with the ATCC as PTA-4621, or an antigen binding fragment [[thereof]] produced from said isolated monoclonal antibody comprising:

providing a cell sample;

providing the isolated monoclonal antibody produced by the hybridoma deposited with the ATCC as PTA-4621 or [[an]] said antigen binding fragment [[thereof]] produced from the isolated monoclonal antibody;

contacting said isolated monoclonal antibody or said antigen binding fragment ~~[[thereof]]~~ with said cell sample; and

determining binding of said isolated monoclonal antibody or antigen binding fragment thereof with said cell sample;

whereby the presence of cells which express a ~~CD44 antigenic moiety which specifically binds to~~ ^{CD44} which is specifically recognized by said isolated monoclonal antibody or said antigen binding fragment ~~[[thereof]]~~ is determined.

Claim ~~30~~⁷. (Withdrawn) The binding assay of claim ~~29~~⁶ wherein the cell sample is ~~obtained from a tumor originating in a tissue~~ selected from the group consisting of colon, ovarian, lung, and breast tissue.

Claim 31. Cancelled

Claim 32. Cancelled

Claim ~~33~~⁸. (Withdrawn and Currently Amended) A method of extending survival and delaying ~~disease progression~~ tumor growth ~~by treating a breast tumor~~ in a mammal, wherein said tumor

expresses ~~an antigenic moiety~~ CD44 which is specifically
recognized by binds to the isolated monoclonal antibody produced
by the hybridoma deposited with the ATCC as PTA-4621 comprising
administering to said mammal said ^{isolated} monoclonal antibody or an
antigen binding fragment [[thereof]] produced from said isolated
monoclonal antibody in an amount effective to reduce said
mammal's tumor burden, whereby ~~disease progression~~ tumor growth
is delayed and survival is extended.

Claim ⁹/~~34~~. (Withdrawn and Currently Amended) The method of
claim ⁸/~~33~~ wherein said isolated monoclonal antibody or said
antigen binding fragment [[thereof]] is conjugated to a cytotoxic
moiety.

Claim ¹⁰/~~35~~. (Withdrawn) The method of claim ⁹/~~34~~ wherein said
cytotoxic moiety is a radioactive isotope.

Claim ¹¹/~~36~~. (Withdrawn and Currently Amended) The method of
claim ⁸/~~33~~ wherein said isolated monoclonal antibody or ~~antigen~~
~~binding fragment thereof~~ activates complement.

Claim ¹²~~37~~. (Withdrawn and Currently Amended) The method of claim ⁸~~33~~ wherein said isolated monoclonal antibody or ~~antigen binding fragment thereof~~ mediates antibody dependent cellular cytotoxicity.

Claim 38. Cancelled

Claim ¹³~~39~~. (Withdrawn) The method of claim ⁸~~33~~ wherein ~~[[said]] the antibody or antigen binding fragments thereof are is~~ ^{administered} a humanized antibody of the isolated monoclonal antibody produced by the hybridoma deposited with the ATCC under Accession Number PTA-4621 or an antigen binding fragment produced from said humanized antibody.

Claim ¹⁴~~40~~. (Withdrawn) The method of claim ³³⁸~~33~~ wherein ~~[[said]] the monoclonal antibody or antigen binding fragments thereof are is~~ ^{administered} a chimeric chimerized antibody of the isolated monoclonal antibody produced by the hybridoma deposited with the ATCC under Accession Number PTA-4621 or an antigen binding fragment produced from said chimeric antibody.

Claim 41. Cancelled

Claim 42. Cancelled

Claim 43. Cancelled

Claim ¹⁵~~44~~. (Currently Amended) The binding assay of claim ⁶~~29~~
wherein ~~said monoclonal antibody or antigen binding fragment~~
~~thereof is a humanized antibody~~ said cell sample is contacted with
~~the antibody is a humanized~~
antibody of the isolated monoclonal antibody produced by the
hybridoma deposited with the ATCC under Accession Number PTA-4621
or an antigen binding fragment produced from said humanized
antibody.

Claim ¹⁶~~45~~. (Currently Amended) The binding assay of claim ⁶~~29~~
wherein ~~said monoclonal antibody or antigen binding fragment~~
~~thereof is a chimerized antibody~~ said cell sample is contacted with
~~the antibody is a chimeric~~
antibody of the isolated monoclonal antibody produced by the
hybridoma deposited with the ATCC under Accession Number PTA-4621
or an antigen binding fragment produced from said chimeric
antibody.

Claim 46. Cancelled

Appl. No. 10/647,818 Amdt. dated Reply to Office action of May 5, 2006

Claim 47. Cancelled

Claim 48. Cancelled